

Remarks

The Office Action mailed October 27, 2004 and made final has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Applicants and the undersigned wish to express their appreciation to Examiner Morgan and Supervisory Examiner Thomas (the "Examiners") for the courtesies they extended during a telephone interview that occurred on February 23, 2005. Applicants were represented in the telephone interview by Daniel M. Fitzgerald.

During the interview, the Office Action dated October 27, 2004 was discussed. More specifically, the undersigned discussed the differences between the process and system recited in the present claims, as amended in the Amendment filed on July 12, 2004, and the processes and systems described in Chapman et al. (U.S. Patent No. 6,526,386), Erlanger (U.S. Patent No. 6,594,635) and Walker et al. (U.S. Patent No. 6,119,093).

For example, the undersigned pointed out that none of the cited references, considered alone or in combination, describe or suggest binding by a field agent an associated insurance carrier to the terms and conditions of a proposed renewal policy by prompting the field agent to enter a bind indication on the bind Web page and transmitting the bind Web page from the field agent computer to the carrier, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy.

The Examiners advised that they were interpreting the term "bind", as recited in the claims submitted in the July 12, 2004 Amendment, as defined in the *Dictionary of Insurance Terms, Fourth Edition*, published by Barron's, a copy of which was faxed to the undersigned by the Examiners on February 23, 2005. In addition, the Examiners suggested that Applicants amend the pending independent claims to include a structural recitation relating to a computer having a renewal policy eligibility generator that is configured to identify an insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to policy data for a plurality of insurance policies wherein the criteria is pre-determined by the insurance carrier to

identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes.

Although no agreement was reached with respect to the patentability of the claims in the present case, Applicants have amended the pending claims as suggested by the Examiners. The foregoing Amendment has been made in consequence of the Examiner Interview.

Accordingly, Applicants respectfully submit that the present patent application is in condition for allowance.

Claims 1-32 are pending in this application. Claims 1-32 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 27, 2004 and made final for the above-identified patent application from January 27, 2005, through and including February 27, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$120.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-9, 14-16 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 6,526,386) ("Chapman") and Erlanger (U.S. Patent No. 6,594,635)¹ in view of Walker et al. (U.S. Patent No. 6,119,093) ("Walker") is respectfully traversed.

Applicants respectfully submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest the claimed invention. As discussed below, at least one of the differences between the cited references and the present invention is that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method for evaluating insurance policy data corresponding to a proposed renewal policy for binding an associated insurance carrier and renewing the policy under the authority of a field

¹ The Office Action dated October 27, 2004 lists the Erlanger Patent as U.S. Patent No. 6,594,035. However, this patent number actually corresponds to a U.S. Patent to Kresch et al. and not to Erlanger. Accordingly, for the purpose of responding to the Office Action, the undersigned has assumed that the Examiner mistakenly provided the incorrect patent number for the Erlanger Patent, and that the correct patent number for the Erlanger Patent is U.S. Patent No. 6,594,635.

agent geographically remote from the carrier, the insurance carrier having a local computer that includes an eligibility generator and the field agent having a remote computer that includes a data display in communication with the local computer, and the method includes storing in a database policy data relating to a plurality of insurance policies issued by the insurance carrier, and identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the database using the eligibility generator.

Moreover, no combination of the cited references describes or suggests a method that includes processing at the local computer updated policy data for the at least one identified renewal policy to determine whether the identified renewal policy is eligible for renewal without requiring external underwriting and risk assessment processes, and receiving at the field agent computer a proposed renewal policy based on the updated policy data including a premium amount for the subscriber if the at least one identified renewal policy is eligible for renewal.

Furthermore, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes binding by the field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy by prompting the field agent to enter a bind indication on the bind Web page and transmitting the bind Web page from the field agent computer to the carrier, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy.

More specifically, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. (Emphasis added.)

The Office Action acknowledges that Chapman does not describe or teach binding by the field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy. However, the Office Action asserts that Erlanger teaches this recitation. More

specifically, the Office Action, citing Erlanger, provides that the “Examiner considers the insurance agent entering pertinent information via computer terminal on behalf of the insurance carrier as the field agent entering a bind indication from the field agent computer.” Applicants traverse this assertion.

As described below in further detail, Erlanger does not describe, teach or even mention a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. Rather, Erlanger describes receiving an insurance solicitation at a data processing system directly from an insurance seeker or indirectly through an entity that acts as an insurance agent for the insurance seeker or insurer (col. 12, lines 3-6). Erlanger further describes comparing each insurance solicitation received at the data processing system to underwriting standards stored in an underwriting standard database (col. 13, lines 33-36), and then outputting insurers having underwriting standards that are satisfied by each insurance solicitation such that a selected insurer and the insurance seeker can interact to write an insurance policy and enter into a binding contract for insurance coverage (col. 14, lines 20-39).

In other words, Erlanger actually describes a system wherein an insurance agent does nothing more than enter an insurance solicitation for an insurance seeker or an insurer into a data processing system that processes the insurance solicitation for matching insurance seekers with insurers. By merely describing an insurance agent entering an insurance solicitation into a data processing system, Erlanger does not describe or teach a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. Applicants respectfully submit that entering an insurance solicitation does not describe or teach binding an insurance carrier to the terms and condition or an insurance policy.

In fact, Applicants submit that Erlanger actually teaches away from the present invention. Erlanger clearly states at col. 14, lines 36-39 that the “selected insurer and the insurance seeker then interact...to write the insurance policy (i.e., enter into a binding contract for insurance coverage).” Erlanger does not mention an insurance agent binding the associated insurance carrier to the terms and conditions of the insurance policy, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the insurance policy.

Additionally, Applicants submit that the web confirmation of an investment order (630, Fig. 6C) described in Walker does not teach a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. In fact, Walker does not even mention a field agent. Applicants submit that merely showing a web confirmation being transmitted over a network does not teach binding by a field agent an associated insurance carrier to terms and conditions of a proposed renewal policy wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy. Accordingly, for at least these reasons, Applicants respectfully submit that the present invention is patentable over Chapman and Erlanger in view of Walker.

Chapman describes a system and method of generating automobile insurance certificates from a remote computer terminal connected by a computer network to a central computer. The method includes automatically flagging at least one expiring policy stored on the central computer, notifying a local user of at least one expiring policy from a list of the expiring policies, and electronically ordering and printing the insurance certificates at the remote computer.

Erlanger describes a data processing system that provides a market for: (1) the provision of insurance and reinsurance between insurers and those seeking insurance and reinsurance, and (2) the sale of insurance between reinsurers. More specifically, the data processing system provides a market for the provisioning of insurance and reinsurance that invites insurers, insurance seekers, and reinsurers to patronize the system. An embodiment of the present invention includes: receiving at a data processing system an underwriting standard from each of a plurality of insurers; compiling a first set of statistics in the data processing system based on the underwriting standards from each of the plurality of insurers; and outputting from the data processing system the first set of statistics to a selected insurer at a price that is based on a measure of fees earned with respect to the selected insurer.

Walker describes a system for facilitating a syndicated sale of an insurance policy. The system employs a processor and a storage device connected to the processor, and a data receiving device and a data output device connected to the processor. The processor executes a program to

receive information relating to the insurance policy, and transmit for electronic viewing by a potential buyer an invitation to offer to buy a share in the underwriting of the insurance policy. The share has associated therewith a risk cost assessable to the buyer if payment is made on a claim under the insurance policy. The processor receives offers to underwrite the share of the insurance policy; each offer includes information identifying collateral (e.g., line of credit associated with a credit card account) against which the risk cost may be charged in the event of payment on a claim. The transmission of the invitation and the offer to buy a share may be made on the Internet.

Claim 1 recites a method for evaluating insurance policy data corresponding to a proposed renewal policy for binding an associated insurance carrier and renewing the policy under the authority of a field agent geographically remote from the carrier, the insurance carrier has a local computer that includes an eligibility generator, the field agent has a remote computer that includes a data display in communication with the local computer, the method includes “storing in a database policy data relating to a plurality of insurance policies issued by the insurance carrier, the database in communication with the local computer...identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, the criteria pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, the criteria applied to the policy data stored in the database using the eligibility generator...displaying at the field agent computer a Web page, the Web page including policy data corresponding to the at least one identified renewal policy...updating at the field agent computer the policy data corresponding to the at least one renewal policy by inputting data corresponding to attributes of a subscriber on Web pages displayed on the field agent computer...transmitting the updated policy data from the field agent computer to the associated insurance carrier...processing at the local computer the updated policy data for the at least one identified renewal policy to determine whether the identified renewal policy is eligible for renewal without requiring external underwriting and risk assessment processes...receiving at the field agent computer a proposed renewal policy based on the updated policy data including a premium amount for the subscriber if the at least one identified renewal policy is eligible for renewal...receiving at the field agent

computer a bind Web page indicating that the proposed renewal policy for the subscriber is in condition such that the associated insurance carrier can be bound to the terms and conditions of the proposed renewal policy...and binding by the field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy by prompting the field agent to enter a bind indication on the bind Web page and transmitting the bind Web page from the field agent computer to the carrier, the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy.”

None of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method as recited in Claim 1.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method for evaluating insurance policy data corresponding to a proposed renewal policy for binding an associated insurance carrier and renewing the policy under the authority of a field agent geographically remote from the carrier, the insurance carrier having a local computer that includes an eligibility generator and the field agent having a remote computer that includes a data display in communication with the local computer, and the method includes storing in a database policy data relating to a plurality of insurance policies issued by the insurance carrier, and identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the database using the eligibility generator.

More specifically, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to policy data stored in a database, wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment

processes, and wherein the criteria is applied to the policy data stored in the database using an eligibility generator.

Moreover, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes processing at the local computer updated policy data for at least one identified renewal policy to determine whether the identified renewal policy is eligible for renewal without requiring external underwriting and risk assessment processes, and receiving at the field agent computer a proposed renewal policy based on the updated policy data including a premium amount for the subscriber if the at least one identified renewal policy is eligible for renewal.

Furthermore, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes binding by the field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy by prompting the field agent to enter a bind indication on the bind Web page and transmitting the bind Web page from the field agent computer to the carrier, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. (Emphasis added.)

The Office Action acknowledges at page 3 that Chapman does not describe or teach “binding by field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy....” However, the Office Action asserts that Erlanger teaches this recitation. More specifically, the Office Action provides in relevant part as follows:

Erlanger teaches a data processing system where one or more insurance agents enter insurance seeker’s pertinent information into the data processing system via a computer terminal (reads on “displaying at the field agent computer) to facilitate the provision of insurance between the insurers and insurance seekers (see: column 7, lines 36-52). Erlanger further teaches that each insurance solicitation or application is received in the form of question to provide the data processing system data to match the insurance seeker to the most appropriate insurer (see: column 12, lines 13-22). The Examiner considers the insurance agent entering

pertinent information via computer terminal on behalf of the insurance carrier as the field agent entering a bind indication from the field agent computer.
(Emphasis added.)

Applicants traverse this assertion and respectfully submit that the mere description by Erlanger of an insurance agent entering an insurance solicitation into a data processing system does not describe or teach a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy.

Erlanger describes a data processing system (101) that provides a market for: (1) the provision of insurance and reinsurance between insurers and those seeking insurance and reinsurance, and (2) the sale of insurance between reinsurers. More specifically, Erlanger describes system (101) in relevant part as follows:

...one or more insurance agents (e.g., insurance agent 104)...might be engaged to facilitate the provision of insurance between insurers and insurance seekers. For the purposes of this specification, an "insurance agent" is defined as an entity that prepares an insurance solicitation (e.g., by filling out the paperwork, by entering the insurance seeker's pertinent information into data processing system 101 via a computer terminal, etc.)...For the purposes of this specification, an "insurance solicitation" is defined as an application for or inquiry regarding insurance or both... (col. 7, lines 37-50).

Each insurance solicitation can be received at data processing system 101 directly from an insurance seeker or indirectly through an entity that acts as an insurance agent for the insurance seeker or insurer... (col. 12, lines 3-6).

At step 305, data processing system 101 compares each insurance solicitation received in step 303 to the underwriting standards stored in underwriting standard database 251...when the insurance solicitation does not satisfy any underwriting standard, data processing system 101 informs the insurance seeker of such (or the insurance agent if one is used) and the reasons why the insurance solicitation is unsatisfactory....when the insurance solicitation satisfies only one underwriting standard, the associated insurer is designated as the "selected insurer" by data processing system 101...The selected insurer and the insurance seeker then interact; either through data processing system 101 or not, as necessary or desirable, to write the insurance policy (i.e., enter into a binding contract for insurance coverage)... (col. 13, line 33 – col. 14, lines 39).

Applicants respectfully submit that Erlanger does not describe or teach a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy. In fact, Erlanger clearly provides that an insurance agent (104) is defined as "an entity that prepares an

insurance solicitation (e.g., by filling out the paperwork, by entering the insurance seeker's pertinent information into data processing system 101 via a computer terminal, etc.)”; and an insurance solicitation is defined as “an application for or inquiry regarding insurance or both.” Applicants submit that an insurance agent preparing an insurance solicitation (i.e., an application or inquiry) and submitting it into a data processing system does not describe or teach an insurance agent binding an associated insurance carrier to the terms and conditions of an insurance policy.

Moreover, the mere statement in Erlanger that an insurance agent (104) might be engaged to “facilitate the provision of insurance between insurers and insurance seekers” does not teach an insurance agent binding an associated insurance carrier to the terms and conditions of an insurance policy.

In fact, Applicants respectfully submit that Erlanger actually teaches away from the present invention. Erlanger clearly states at col. 14, lines 36-39 (as shown above) that the “selected insurer and the insurance seeker then interact...to write the insurance policy (i.e., enter into a binding contract for insurance coverage).” Erlanger does not mention an insurance agent binding the associated insurance carrier to the terms and conditions of the insurance policy, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the insurance policy. Rather, in Erlanger, the selected insurer and the insurance seeker interact to write the insurance policy and enter into a binding contract for insurance coverage.

Furthermore, Applicants respectfully submit that Walker does not describe, teach or even mention binding by the field agent the associated insurance carrier to the terms and conditions of the proposed renewal policy, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the proposed renewal policy. Rather, Walker describes a system for facilitating a syndicated sale of an insurance policy wherein an insurance company posts an invitation to offer to buy a share of an insurance policy to an insurance company server; an investor reviews these invitations to offer and submits an offer back to the insurance company by transmitting an investment order to an insurance syndication service

central server; and, after processing at the investor's credit card issuing bank, enables the insurance company to accept or reject the offer. Notably, Walker does not describe, teach or even mention an insurance agent involved in the process.

Applicants therefore respectfully submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a field agent binding an associated insurance carrier to the terms and conditions of a proposed renewal policy, wherein the binding by the field agent legally binds the associated insurance carrier to the terms and conditions of the insurance policy. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Chapman and Erlanger in view of Walker.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Chapman and Erlanger in view of Walker.

Claim 2 depends from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 2 likewise is patentable over Chapman and Erlanger in view of Walker.

Claim 3 recites a method for renewing an insurance policy under the authority of a field agent for binding an insurance carrier, the insurance carrier having a local computer that includes an eligibility generator, the field agent is located in a geographically remote location from the insurance carrier and has a remote computer that include a data display, the method includes "storing in a database policy data relating to a plurality of insurance policies issued by the insurance carrier, the database in communication with the local computer...identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, the criteria pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, the criteria applied to the policy data stored in the database using the eligibility generator...receiving at the field agent computer policy data reflecting an insurance policy identified as being eligible for a renewal evaluation...providing the field agent with predetermined questions by displaying the predetermined questions on the field agent computer, the predetermined questions selected so as

to minimize financial risk to the insurance carrier of being contractually bound to policy terms unfavorable to the insurance carrier...answering the predetermined questions by inputting answers corresponding to attributes of a subscriber to the identified insurance policy into the field agent computer...updating using the local computer the policy data for the identified insurance policy based on the inputted answers and determining whether the identified policy is eligible for renewal without requiring external underwriting and risk assessment processes...receiving at the field agent computer a proposed renewal policy based on the updated policy data including a premium amount for the subscriber if determined that the identified policy is eligible for renewal...and binding the insurance carrier to the terms and conditions of the proposed renewal policy reflecting the answers by entering a bind indication into the field agent computer, wherein the binding is accomplished by a decision process undertaken by the field agent without including external underwriting and rating processes.”

None of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method as recited in Claim 3.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method for renewing an insurance policy under the authority of a field agent for binding an insurance carrier, the insurance carrier having a local computer that includes an eligibility generator, the field agent is located in a geographically remote location from the insurance carrier and has a remote computer that include a data display, and the method includes storing in a database policy data relating to a plurality of insurance policies issued by the insurance carrier, and identifying at least one insurance policy as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the database using the eligibility generator.

More specifically, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes identifying at least one insurance policy as being eligible for a

renewal evaluation by applying pre-determined criteria to policy data stored in a database, wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the database using the eligibility generator.

Moreover, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method that includes updating using a local computer policy data for an identified insurance policy based on inputted answers and determining whether the identified policy is eligible for renewal without requiring external underwriting and risk assessment processes, and receiving at a field agent computer a proposed renewal policy based on the updated policy data including a premium amount for the subscriber if determined that the identified policy is eligible for renewal.

Furthermore, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method that includes binding the insurance carrier to the terms and conditions of a proposed renewal policy reflecting the answers by entering a bind indication into the field agent computer, wherein the binding is accomplished by a decision process undertaken by the field agent without including external underwriting and rating processes.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a field agent binding the insurance carrier to the terms and conditions of a renewal policy, wherein the binding is accomplished by a decision process undertaken by the field agent without including external underwriting and rating processes.

For at least the reasons set forth above, Claim 3 is submitted to be patentable over Chapman and Erlanger in view of Walker.

Claims 4-9 depend from independent Claim 3. When the recitations of Claims 4-9 are considered in combination with the recitations of Claim 3, Applicants submit that dependent Claims 4-9 likewise are patentable over Chapman and Erlanger in view of Walker.

Claim 14 depends from independent Claim 10. Claim 10 recites a method for renewing a policy via Internet connections between a central data memory and a remote data memory, a policy issuer is associated with a central computer having an eligibility generator, the method includes “storing in the central data memory policy data relating to a plurality of policies issued by the policy issuer, the central data memory in communication with the central computer...identifying one or more policies as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each policy, the criteria pre-determined by the policy issuer to identify each policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, the criteria applied to the policy data stored in the central data memory using the eligibility generator...generating in the remote data memory a first Web page including data identifying the one or more eligible policies for the renewal evaluation, the central data memory associated with the issuer of one or more eligible renewal policies, the remote data memory associated with a field agent located in a geographically remote location from the policy issuer...selecting by the field agent a policy from the identified one or more eligible policies...generating in the central data memory a request for policy data relating to the selected policy...generating in the central data memory and transmitting over a network one or more second Web pages arranged to include the requested renewal policy data along with a provision for inputting update data...receiving, displaying, updating in the remote memory, and transmitting from the remote memory, the one or more second Web pages wherein said receiving, displaying, updating and transmitting is accomplished by the field agent...processing at the central computer the renewal policy data for the selected policy to determine whether the selected policy is eligible for renewal without requiring external underwriting and risk assessment processes...receiving and displaying in the remote memory a proposed renewal policy if determined that the selected policy is eligible for renewal...binding the policy issuer to the proposed renewal policy associated with the renewal policy data, wherein said binding is accomplished by a decision process undertaken independently by the field agent without including external underwriting and risk assessment processes, and by transmitting to the central data memory from the remote data memory a third Web page including a binding indication data.”

None of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method as recited in Claim 10.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method for renewing a policy via Internet connections between a central data memory and a remote data memory, wherein a policy issuer is associated with a central computer having an eligibility generator, and the method includes storing in the central data memory policy data relating to a plurality of policies issued by the policy issuer, and identifying one or more policies as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each policy, wherein the criteria is pre-determined by the policy issuer to identify each policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the central data memory using the eligibility generator.

Moreover, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes processing at the central computer renewal policy data for a selected policy to determine whether the selected policy is eligible for renewal without requiring external underwriting and risk assessment processes, and receiving and displaying in the remote memory a proposed renewal policy if determined that the selected policy is eligible for renewal.

Furthermore, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method that includes binding the policy issuer to a proposed renewal policy associated with the renewal policy data, wherein the binding is accomplished by a decision process undertaken independently by the field agent without including external underwriting and risk assessment processes, and by transmitting to the central data memory from the remote data memory a third Web page including a binding indication data.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest binding a policy issuer to a proposed renewal policy associated with renewal policy data wherein the binding is accomplished by a decision process undertaken independently by the field agent. Moreover, none of the cited references describe or teach binding a policy

issuer to a policy associated with renewal policy data wherein the binding is accomplished by the field agent without including external underwriting and risk assessment process.

For at least the reasons set forth above, Claim 10 is submitted to be patentable over Chapman and Erlanger in view of Walker.

When the recitations of Claim 14 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 14 likewise is patentable over Chapman and Erlanger in view of Walker.

Claim 15 recites a policy renewal system for renewing a policy under the authority of a field agent for binding an issuer of the policy after the policy has been identified as eligible for a renewal evaluation, the policy issuer having an eligibility renewal policy generator for generating policy data for at least one policy eligible for the renewal evaluation, the system includes a network, a database for storing policy data relating to a plurality of policies issued by the policy issuer, a remote data display associated with a field agent and configured for displaying the policy data in a form readable by the field agent wherein the field agent located in a geographically remote location from the policy issuer, wherein the eligibility generator is configured to “identify at least one policy as being eligible for the renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each policy, the criteria pre-determined by the policy issuer to identify each policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, said remote data display configured to...receive over the network policy data relating to the at least one identified renewal policy...display said policy data relating to the at least one identified renewal policy...prompt the field agent to update the displayed policy data...transmit the updated policy data to the eligibility generator for processing...receive from the policy issuer a proposed renewal policy including the updated policy data if the eligibility generator determines that the at least one identified renewal policy is eligible for renewal...and enable the field agent to legally bind the policy issuer to a renewal of said proposed renewal policy associated with said updated policy data, the binding accomplished independently by the field agent without underwriting analysis or risk analysis by the policy issuer.”

None of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a policy renewal system for renewing a policy under the authority of a field agent as recited in Claim 15.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a policy renewal system that includes an eligibility renewal policy generator that is configured to identify at least one policy as being eligible for a renewal evaluation by applying pre-determined criteria to policy data stored in a database, wherein the criteria is pre-determined by the policy issuer to identify each policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes.

Moreover, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a policy renewal system that includes a remote data display that is configured to transmit updated policy data to the eligibility generator for processing, and receive from the policy issuer a proposed renewal policy including the updated policy data if the eligibility generator determines that the at least one identified renewal policy is eligible for renewal.

Furthermore, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a policy renewal system that includes a remote data display that is associated with a field agent located in a geographically remote location from a policy issuer, wherein the remote data display is configured to enable the field agent to legally bind the policy issuer to a renewal of a proposed renewal policy associated with the updated policy data, and wherein the binding is accomplished independently by the field agent without underwriting analysis or risk analysis by the policy issuer.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest enabling a field agent to legally bind a policy issuer to a renewal of a proposed renewal policy associated with updated policy data wherein the binding is accomplished independently by the field agent. Moreover, none of the cited references describe or teach enabling a field agent to legally bind a policy issuer to a renewal of a proposed renewal policy associated with updated policy data wherein the binding is accomplished by the field agent without underwriting analysis or risk analysis by the policy issuer.

For at least the reasons set forth above, Claim 15 is submitted to be patentable over Chapman and Erlanger in view of Walker.

Claim 16 depends from independent Claim 15. When the recitations of Claim 16 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claim 16 likewise is patentable over Chapman and Erlanger in view of Walker.

Claim 23 recites a system for renewing an insurance policy after the policy has been identified as eligible for a renewal evaluation, the system includes “at least one computer configured as a server, said server comprising an eligibility generator coupled to a database of policy data for a plurality of insurance policies issued by an insurance carrier, said server associate with the insurance carrier, said eligibility generator configured to identify at least one insurance policy as being eligible for the renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, the criteria pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes...and at least one remote computer including a user interface connected to said server through a network, said remote computer associated with a field agent located in a geographically remote location from the insurance carrier, said remote computer configured to...receive policy data from said server for an insurance policy identified as being eligible for the renewal evaluation wherein the policy data includes information relating to a subscriber of said policy...display said policy data on said user interface...prompt the field agent by displaying predetermined questions on said user interface to update the policy data...receive from the field agent updated policy data including updated subscriber information...display the updated policy data on the user interface such that the field agent can evaluate the updated policy data...transmit the updated policy data to said server to determine whether the identified insurance policy is eligible for renewal...receive from said server a proposed renewal policy including a premium amount for the subscriber if said server determines that the identified insurance policy is eligible for renewal...and enable the field agent to legally bind the insurance carrier to the proposed renewal policy associated with the evaluated policy data, wherein the binding is accomplished by a decision process undertaken independently by the field agent without underwriting analysis and risk analysis by the insurance carrier.”

None of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a system for renewing an insurance policy as recited in Claim 23.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a system for renewing an insurance policy that includes at least one computer configured as a server having an eligibility generator coupled to a database of policy data for a plurality of insurance policies issued by an insurance carrier, wherein the eligibility generator is configured to identify at least one insurance policy as being eligible for the renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each insurance policy, and wherein the criteria is pre-determined by the insurance carrier to identify each insurance policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes.

Moreover, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a system that includes at least one remote computer associated with a field agent located in a geographically remote location from the insurance carrier, wherein the remote computer is configured to transmit updated policy data to the server to determine whether the identified insurance policy is eligible for renewal, and receive from the server a proposed renewal policy including a premium amount for the subscriber if the server determines that the identified insurance policy is eligible for renewal.

Furthermore, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a remote computer associated with a field agent located in a geographically remote location from an insurance carrier, wherein the remote computer is configured to enable the field agent to legally bind the insurance carrier to a renewal of a proposed renewal policy associated with the evaluated policy data, wherein the binding is accomplished by a decision process undertaken independently by the field agent without underwriting analysis and risk analysis by the insurance carrier.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest enabling a field agent to legally bind the insurance carrier to a renewal of the proposed renewal policy associated with the evaluated policy data. Moreover, none of the cited

references describe or teach enabling the field agent to legally bind the insurance carrier to a renewal of the proposed renewal policy, wherein the binding is accomplished by a decision process undertaken independently by the field agent without underwriting analysis and risk analysis by the insurance carrier.

For at least the reasons set forth above, Claim 23 is submitted to be patentable over Chapman and Erlanger in view of Walker.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-9, 14-16 and 23 be withdrawn.

The rejection of Claims 10-11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 6,526,386) (“Chapman”) in view of Walker et al. (U.S. Patent No. 6,119,093) (“Walker”) is respectfully traversed.

Chapman and Walker are both described above. Claim 10 is recited hereinabove.

As stated above, neither Chapman nor Walker, considered alone or in combination, describe or suggest a method as recited in Claim 10. Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Chapman in view of Walker.

Claims 11 and 13 depend from independent Claim 10. When the recitations of Claims 11 and 13 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 11 and 13 likewise are patentable over Chapman in view of Walker.

The rejection of Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 6,526,386) (“Chapman”) and Walker et al. (U.S. Patent No. 6,119,093) (“Walker”) in view of the Official Notice (“Official Notice”) is respectfully traversed.

Chapman and Walker are both described above. The Official Notice taken by the Examiner is that “time restraints such as a five-minute limit being placed on any Internet transaction before a user is logged off and must logon back on to complete the transactions is old and well known in the computer industry.”

Claim 12 depends from independent Claim 10. Claim 10 is recited hereinabove.

None of Chapman, Walker, or the Official Notice, considered alone or in combination, describe or suggest a method as recited in Claim 10.

Applicants submit that none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method for renewing a policy via Internet connections between a central data memory and a remote data memory, wherein a policy issuer is associated with a central computer having an eligibility generator, and the method includes storing in the central data memory policy data relating to a plurality of policies issued by the policy issuer, and identifying one or more policies as being eligible for a renewal evaluation by applying pre-determined criteria to the policy data stored in the database for each policy, wherein the criteria is pre-determined by the policy issuer to identify each policy eligible for a renewal evaluation without requiring external underwriting and risk assessment processes, and wherein the criteria is applied to the policy data stored in the central data memory using the eligibility generator.

Moreover, no combination of Chapman, Erlanger, or Walker describes or suggests a method that includes processing at the central computer renewal policy data for a selected policy to determine whether the selected policy is eligible for renewal without requiring external underwriting and risk assessment processes, and receiving and displaying in the remote memory a proposed renewal policy if determined that the selected policy is eligible for renewal.

Furthermore, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest a method that includes binding the policy issuer to a proposed renewal policy associated with the renewal policy data, wherein the binding is accomplished by a decision process undertaken independently by the field agent without including external underwriting and risk assessment processes, and by transmitting to the central data memory from the remote data memory a third Web page including a binding indication data.

Notably, none of Chapman, Erlanger, or Walker, considered alone or in combination, describe or suggest binding a policy issuer to a proposed renewal policy associated with renewal policy data wherein the binding is accomplished by a decision process undertaken independently

by the field agent. Moreover, none of the cited references describe or teach binding a policy issuer to a policy associated with renewal policy data wherein the binding is accomplished by the field agent without including external underwriting and risk assessment process.

For at least the reasons set forth above, Claim 10 is submitted to be patentable over Chapman and Walker in view of the Official Notice.

When the recitations of Claim 12 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 12 likewise is patentable over Chapman and Walker in view of the Official Notice.

The rejection of Claims 17-22 and 24-32 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 6,526,386) (“Chapman”), Erlanger (U.S. Patent No. 6,594,635) and Walker et al. (U.S. Patent No. 6,119,093) (“Walker”) in view of Kern (U.S. Patent No. 6,604,080) is respectfully traversed.

Chapman, Erlanger and Walker are all described above. Kern describes an automated system and method of computing rates to be charged for a new insurance product that provides coverage equivalent to that provided by a standard workers' compensation policy. The new insurance product having at least two separate, coordinated policies. The new product involves using one policy to insure the workers' compensation obligation (Part A of a standard workers' compensation policy), and a second policy, to insure against the employers liability exposure (Part 8 of a standard workers' compensation policy). The system determines one set of rates for insuring employees in pre-determined employment classifications for the workers' compensation policy and another set of rates for insuring the employees in other pre-determined employment classifications for the employers liability coverage.

Claims 17-18 depend from independent Claim 1. Claim 1 is recited hereinabove.

None of Chapman, Erlanger, Walker, or Kern, considered alone or in combination, describe or suggest a method as recited in Claim 1. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Chapman, Erlanger, and Walker in view of Kern.

When the recitations of Claims 17-18 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 17-18 likewise are patentable over Chapman, Erlanger, and Walker in view of Kern.

Claims 19-20 depend from independent Claim 3. Claim 3 is recited hereinabove.

None of Chapman, Erlanger, Walker, or Kern, considered alone or in combination, describe or suggest a method as recited in Claim 3. Accordingly, for at least the reasons set forth above, Claim 3 is submitted to be patentable over Chapman, Erlanger, and Walker in view of Kern.

When the recitations of Claims 19-20 are considered in combination with the recitations of Claim 3, Applicants submit that dependent Claims 19-20 likewise are patentable over Chapman, Erlanger, and Walker in view of Kern.

Claims 21-22 depend from independent Claim 15. Claim 15 is recited hereinabove.

None of Chapman, Erlanger, Walker, or Kern, considered alone or in combination, describe or suggest a policy renewal system for renewing a policy under the authority of a field agent as recited in Claim 15. Accordingly, for at least the reasons set forth above, Claim 15 is submitted to be patentable over Chapman, Erlanger, and Walker in view of Kern.

When the recitations of Claims 21-22 are considered in combination with the recitations of Claim 15, Applicants submit that dependent Claims 21-22 likewise are patentable over Chapman, Erlanger, and Walker in view of Kern.

Claims 24-32 depend from independent Claim 23. Claim 23 is recited hereinabove.

None of Chapman, Erlanger, Walker, or Kern, considered alone or in combination, describe or suggest a system for renewing an insurance policy as recited in Claim 23. Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Chapman, Erlanger, and Walker in view of Kern.

When the recitations of Claims 24-32 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 24-32 likewise are patentable over Chapman, Erlanger, and Walker in view of Kern.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 17-22 and 24-32 be withdrawn.

In addition to the arguments set forth above, Applicants further submit that the rejection of Claims 1-9, 14-16 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Chapman and Erlanger in view of Walker; the rejection of Claims 10-11 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Chapman in view of Walker; the rejection of Claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chapman and Walker in view of the Official Notice; and the rejection of Claims 17-22 and 24-32 under 35 U.S.C. § 103(a) as being unpatentable over Chapman, Erlanger and Walker in view of Kern are further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection.

Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Chapman using the teachings of Erlanger, Walker, the Official Notice, or Kern. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there

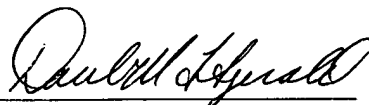
must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

None of Chapman, Erlanger, Walker, the Official Notice, or Kern, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection is based on a combination of teachings selected from multiple references in an attempt to arrive at the claimed invention. Since there is no teaching, suggestion or motivation for the combination of Chapman, Erlanger, Walker, the Official Notice, or Kern, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 1-32 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 1-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in the application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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